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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [KPAO](#) [TS](#)  
SUBJECT: TUNISIA/DEMOCRATIC REFORM III: AN UPHILL STRUGGLE

REF: A. TUNIS 258  
[1](#)B. TUNIS 273  
[1](#)C. TUNIS 144  
[1](#)D. 07 TUNIS 1470  
[1](#)E. 07 TUNIS 1404  
[1](#)F. 07 TUNIS 1058  
[1](#)G. 07 TUNIS 904

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

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Summary  
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[1](#)1. (C) Tunisian opposition parties face an uphill battle in their fight for free and fair elections. Despite a multi-party system, civil society activists credibly alleged that the outcomes of the 2004 presidential and legislative elections were predetermined, highlighting a number of procedural irregularities. President Ben Ali made a series of announcements regarding political participation on November 7, 2007, but did not address the key concerns of opposition parties. In the run-up to the 2009 elections, opposition groups and civil society activists have proposed numerous reforms, concentrating on freedom of association, freedom of expression, and the electoral law. Unless and until the GOT leadership concludes that these kinds of changes are in Tunisia's interest, however, true reform is unlikely. End Summary.

[1](#)2. (C) This is the third of a three-part series on political participation. It addresses the role of and constraints faced by opposition parties. Part I laid out US strategy for promoting a more level playing field for Tunisia's 2009 presidential and legislative elections. Part II dealt with reasons for voter apathy and its impact on political participation.

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It's Hard to Campaign When You Can't Meet  
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[1](#)3. (C) During the 2004 presidential elections, international observers cited voter intimidation, restrictions on disseminating campaign materials, and difficulty organizing campaign events as obstacles to free and fair elections. In response, the opposition et-Tajdid (Renewal Movement) party suggested that an independent national committee be established to oversee the elections process, which would include jurisdiction over disputes. Currently, the Ministry of the Interior (MOI) oversees the entire process. Opposition parties and independent NGOs often encounter problems securing public spaces for their meetings and conferences (Refs F and G). In some cases, this

manifests itself through the presence of security forces restricting entry to locations where gatherings are staged. Other times, event organizers receive a last-minute phone call from the proprietor of their proposed meeting place citing an act of God, unforeseen renovations, or both, that forces the cancellation of an event. Such limits on freedom of association and freedom of expression, as well as the public difficulties encountered by independent opposition parties (Ref E) help to contribute to a general reluctance to become involved in politics. Thus, parties' campaign events -- a key part of the electoral process -- often fail to attract even a handful of participants.

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Activists Push For Freedom of Expression in 2009  
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14. (C) In 2004, the Tunisian Human Rights League (LTDH), the National Council for Liberty and Labor (CNLT), and the Tunisian Association of Democratic Women (AFTD) complained there was a media bias in favor of the ruling Democratic Constitutional Rally (RCD) party. By law, candidates are entitled to air time on state-owned television stations during their campaign, but the law leaves the amount of time given to the government's discretion. In practice, time given to opposition parties is confined to less than five minutes late at night, early in the morning, or other times when viewer levels are low. Candidates do not have access to other television outlets, due to a 2003 law that bans campaigning on private or foreign-owned media outlets as well as media outlets broadcasting from abroad. This law was enacted after opposition candidates began appearing on pan-Arab satellite television stations such as al-Jazeera. The fine for violating this law is 25,000 TD (20,833 USD) per offense.

15. (C) Independent political parties have repeatedly called for increased and uncensored access to radio and television. Though many opposition parties have their own newspapers, these publications have limited distribution and are occasionally confiscated. Candidates' rare and limited access to television, particularly state-owned media, is strictly monitored and censored. Further, some journalists told us privately that they had received instructions (presumably from the GOT) not to write about or publish the photo of opposition presidential candidate Nejib Chebbi. (Note: Independent magazine l'Expression went against this edict in February 2008, publishing a story with an accompanying photo on Chebbi's nomination as his party's presidential candidate.) In the meantime, photos of President Ben Ali and calls for him to run in 2009 are omnipresent. Indeed, there is one such banner hanging from the facade of the Foreign Ministry. While domestic news is sometimes covered by pan-Arab satellite television, by law Tunisian citizens cannot discuss national politics on foreign radio or television stations during the two weeks prior to national elections.

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Electoral Reform  
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16. (C) Perhaps the biggest obstacle for opposition parties is that their candidates may not even be eligible to run for office. To run for president, current electoral law requires the support of 30 members of parliament or local mayors. Given that 152 of the 189 parliamentarians in the Chamber of Deputies are affiliated with the ruling party, and the largest opposition party (the Social Democratic Movement) has only 14 seats, without the support of the ruling party no opposition candidates would be able to garner sufficient support. One time "exceptional" laws regarding candidacy are normally issued a few months prior to elections, but until such amendments are made it is anyone's guess as to their substance (and whose candidacy such regulations might allow or disallow). When announcing Nejib Chebbi's intention to run for president in 2009, the secretary general of the opposition Democratic Progressive Party (PDP) advocated that

such a law be propagated as soon as possible to foster free and fair elections (Ref C). The PDP has previously suggested that the Portugal model of accumulating the signatures of a certain percentage of the population be used as an alternate means of validating candidates.

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Time For A Change  
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¶7. (C) On November 7, 2007, the 20th anniversary of President Ben Ali's palace coup, he made a number of announcements aimed at increasing political participation (Ref D) such as lowering the minimum voting age to 18 from 20, which would increase the number of potential voters by roughly 400,000. Ben Ali also announced that funding to opposition parties represented in parliament would be increased. The two opposition parties generally considered the most independent, however, are not currently represented in parliament. The President also mandated that as of the next parliamentary elections in 2009, 25 percent of the seats in parliament will be reserved for opposition parties (up from 20 percent). The ruling RCD party would then control 75 percent of parliament, instead of 80 percent, assuming no opposition party garners enough of the vote to exceed the minimum quota (which to date has been the case).

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Fighting Fraud  
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¶8. (C) Election day procedures also remain a concern for opposition parties. Several opposition parties and Tunisian Human Rights League (LTDH) President Mokhtar Trifi have called for independent international elections observers. Because the MOI is responsible for distribution of voter ID cards, Trifi has also advocated for an independent review of voter registers, to ensure only eligible voters appear on the list. To address the disparity between laws and their enforcement, Democratic Forum for Liberty and Labor Secretary General Mustapha Ben Jaafar has told the Ambassador that he would like to see stricter penalties for electoral fraud. While it is difficult to gauge the public's reaction to these proposals, several government-influenced newspapers have run critical editorials implying proponents of electoral reform are disloyal and promote "foreign interference."

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Comment  
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¶9. (C) While positive, Ben Ali's November 7, 2007 speech did not address long-standing critiques of the electoral process, such as limited access to the media and unclear electoral legislation. Absent reforms to address the structural defects in Tunisia's electoral system, and to remedy entrenched practices stifling public debate, the chances that the 2009 elections will be a meaningful exercise in public political participation will remain bleak. End Comment.

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